

**IN UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

**TODD JANSON, et al., on behalf of
themselves and on behalf of all others
similarly situated,**

Plaintiffs,

v.

LEGALZOOM.COM, INC.

Defendant.

Case No. 2:10-cv-04018-NKL

**PLAINTIFFS' MOTION TO RE-OPEN LIMITED DISCOVERY
AND COMPEL PRODUCTION**

Come now, plaintiffs, by and through counsel, and state as follows for their Motion to Re-Open Discovery and Compel Production:

1. This Court entered a Scheduling Order in this case whereby discovery closed on March 9, 2011. See, Doc. Number 22.
2. The parties complied with this Scheduling Order and following discovery Defendant submitted a Motion for Summary Judgment and Plaintiffs submitted a Motion for Partial Summary Judgment, both of which are currently pending before this Court.
3. Defendant's Motion for Summary Judgment is based largely on the argument that it does nothing more than provide a service akin to a "form" service where consumers purchase documents with blanks in them and fill in the blanks themselves. See, Legalzoom.com's Suggestions In Support of Summary Judgment, Doc. No. 91.
4. In discovery, Plaintiffs requested advertisements from Defendant. Various

television, radio and internet advertisements through approximately January, 2011 were produced, and Plaintiffs inquired about them in depositions. In addition, Plaintiffs used some of this testimony and the advertisements in their Suggestions In Opposition to Defendant's Motion for Summary Judgment. See, Doc. No. 113 (Plaintiffs' Additional Uncontroverted Material Facts, 3. – 8., 12.).

5. One of Plaintiffs' counsel recently heard an advertisement for Defendant in which, to the best of Plaintiffs' counsel's recollection, Defendant advertised that it offered services which were far in excess of a "fill in the blank form" and provided documents which were "personalized" to the user's needs. See, VanRonzelen Affidavit, attached hereto as Exhibit A and incorporated herein by this reference. This advertisement was not previously produced and presumably was created and aired after the close of discovery in this case.

6. Counsel for Plaintiffs requested Defendant's counsel produce a copy of the advertisement described above, but that request was refused.

7. Plaintiffs seek to re-open discovery for the limited purpose of compelling production of this single advertisement, as it is contrary to the position Defendant takes in its Motion for Summary Judgment and will presumably take at trial. Accordingly, it is extremely relevant to the issues in this case.

8. In making this limited request, Plaintiffs do not seek to stay any proceedings or cause any delay in the case or the trial of this matter.

WHEREFORE, plaintiffs respectfully request this Court enter an Order requiring Defendant Legalzoom.com, Inc. to produce the advertisement referenced above and in Exhibit A, in addition to such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Timothy W. Van Ronzelen

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CERTIFICATE OF SERVICE

I certify that on June 17, 2011, I served this paper upon the following via this Court's ECF system:

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